



Diabetes at School: Rights and Responsibilities

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Presentation Outline

- ADA introduction
- Roles and responsibilities
- School diabetes management issues
- Overview of federal education laws affecting children with diabetes
- Glucagon in Utah

Mission Of The American Diabetes Association

**“To Prevent and Cure
Diabetes and to Improve
the Lives of All People
Affected by Diabetes.”**

Strategy For Problem Prevention/Resolution

- Educate --develop materials for people facing discrimination and for schools and employers
- Negotiate -- help people understand how they can fight for their rights
- Litigate -- pursue key diabetes discrimination cases around the country
- Legislate -- when these avenues fail, we work to pass laws that ensure basic protections and care

THE TWO FACES OF DIABETES IN THE SCHOOL SETTING:



DIABETES IS NOT ONE SIZE FITS ALL...
IT REQUIRES INDIVIDUAL TREATMENT PLANS

Roles and Responsibilities

What Parents Want for Their Child With Diabetes:

- The ability to stay healthy while at school and over the long term
- The same access to educational opportunities as other children

Parent Responsibilities

- Provide the necessary equipment and supplies for diabetes care tasks
- Provide supplies to treat hypoglycemia (low blood sugar) including a source of glucose and glucagon per the health care plan
- Information about diabetes that may be needed to educate school personnel
- Emergency phone numbers: Parent, Doctor, Certified Diabetes Educator Professional
- Meal/snack/party information for the student

Student's Responsibilities

Self-manage his/her diabetes care to the extent appropriate to the individual child

Agreed to by school, parents, and the student's health care team



The Role of the School Nurse

The school nurse is the most appropriate person to plan diabetes care in the school, oversee implementation of the student's written care plan, and care for the student

(from ADA Statement and NDEP Guide)

A Role for Nonmedical Personnel

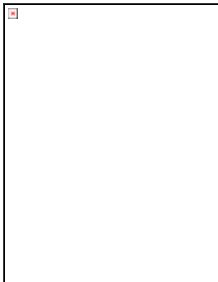
“The diabetes medical community has found that nonmedical personnel can be trained and supervised to provide and assist with diabetes care tasks...including glucagon administration...Assignment of these tasks must take into account relevant state laws.....” (NDEP Guide)

Issues in School Diabetes Management

- Blood glucose monitoring: where, who
- Treatment of severe hypoglycemia
- Care and coverage for field trips, extracurricular events and other school related activities
- Insulin
- Segregation of students in “diabetes school” or a special classroom

Section 4

School Responsibilities Under the Law





Children with Diabetes Are Protected by Federal Laws:

- Americans with Disabilities Act (ADA)
- Individuals With Disabilities Education Act (IDEA):
- Section 504 of the Rehabilitation Act of 1973

A Quick Look at ADA and IDEA

ADA:

- Prohibits discrimination against qualified individuals with disabilities
- Covers public and private schools and day care centers except those run by religious institutions
- Schools required to make reasonable changes in its practices and policies to avoid discrimination to afford equal opportunity unless doing so would impose an undue burden

IDEA:

- A child with diabetes is covered if he or she needs special education and related services in order to benefit from an education.
- Diabetes must adversely interfere with academic performance.
- School must provide special education program, related services and children must be educated in the least restrictive environment. IEP team that includes parents, special education experts and school staff develop Individualized Education Program (IEP) which outlines plan to achieve specific educational goals.



Section 504 of the Rehabilitation Act of 1973

A civil rights law to prohibit discrimination on the basis of disability. Also prohibits retaliation for asserting the right not to be discriminated against.

What must schools do?



- Identify children with disabilities
- Provide a “free appropriate public education” (FAPE) to each child with a disability;
- Educate children with disabilities with other students as much as possible



- Allow parents to participate meaningfully in decisions regarding their child’s diabetes care at school



- Afford children with disabilities an equal opportunity to participate in nonacademic and extracurricular services and activities



Who’s Covered by “504”



SCHOOLS: All public schools and private schools that receive federal financial assistance

STUDENTS: Any Child with a physical or mental impairment that substantially limits one of more of major life activities, has a record of such an impairment or is regarded as having such an impairment--this includes children with diabetes

504 Plan



- A written document where the parents and school agree on the services and accommodations that the student needs.

Section 504 Plans

may include information on...



How to recognize low and high blood sugar



The right to eat whenever and wherever necessary

Access to supplies and equipment



Unrestricted access to snacks, water and bathroom



504 PLANS also address:



•Trained staff to assist the student's diabetes management



•Assurance that any staff member with immediate custodial care of the child is trained to recognize high and low blood sugar levels and knows how to respond. This includes teachers, coaches, and bus drivers



•Assurance of full participation in all sports, extracurricular activities, and field trips with the necessary assistance and/or supervision provided.





Individual Health Care Plan or Diabetes Medical Management Plan:

Clearly sets and defines how student's medical needs will be met during the school day, on field trips and while participating in school sponsored extracurricular activities

IHP or DMMP include:



Where diabetes supplies are kept



Where and when blood glucose testing should occur



Who should do the testing



The student's usual pattern of symptoms for hypoglycemia and hyperglycemia

and



When and what the child should eat



Actions to be taken in response to different blood sugar levels- insulin, food, glucagon (when necessary) and who is responsible for each of these actions.



Any special changes that should be made in response to exercise.



Emergency numbers to reach the parents and doctor/health care provider and when each should be called.

State Laws And Regulations

- States address issues through statutes and regulations
- Statutes and regulations address Nurse Practice Acts, govern state Boards of Nursing, address licensing and delegation issues.
- Laws and regs vary greatly from state to state
- Often there is no statewide policy. Rather, policy is determined district by district.

UTAH

- State law does not specifically mention glucagon
- No state law that requires or prohibits delegation and administration of meds to school personnel
- Law permits schools, but does not require, them to provide for administration of meds
- If so, the school must develop policies governing designation and training, handling, safekeeping and administration of medications
- Parents and physician must approve and provide detailed orders
- applies to all medications and is not glucagon specific

more Utah

- Utah Nurse Practice Act: does not set standards for delegation**

Utah Administrative Code: five criteria must be meant in judgment of nurse for delegation:

1. **Routine**
2. Little hazard
3. Predictable outcome
4. Per a plan of care
5. **Not inherently involve nursing judgment**

Disagreement focuses on 1 and 5

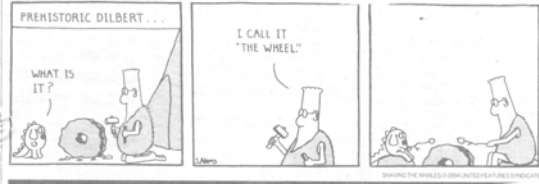
The ADA:

Glucagon meets all five criteria:

- Glucagon is ,while rarely needed, the routinely recommended treatment by diabetes health care professionals to treat life threatening severe hypoglycemia
- Nursing judgment not required: Symptoms of a severe low blood sugar are universal and the treatment with glucagon is universal. Nonmedical people are trained to recognize the symptoms and respond. The IHP/DMMP will also contain this information.

504 PLANS AND INDIVIDUAL HEALTH PLANS ARE
USEFUL TOOLS...

BUT LIKE ALL TOOLS MUST BE USED CORRECTLY



USE THE TOOLS
WELL AND SEE THE
RESULTS.....